

APPENDIX B
Submitted Written Public Comments*

(Additional Written Public Comments from the May 24, 2004 Meeting may be found on the
911 Environmental Action Website:
<http://911ea.org>)

***THE FOLLOWING PUBLIC COMMENTS WERE RECEIVED AT THE EXPERT
TECHNICAL PANEL REVIEW MEETING #3. NOTE, THE MEETING IS NOT A
PUBLIC HEARING TO HEAR TESTIMONY, BUT RATHER A TECHNICAL
MEETING FOR EXPERT PANEL MEMBER DISCUSSIONS WITH TIME SET ASIDE
TO HEAR COMMENTS FROM THE PUBLIC ON DISCUSSION TOPICS.**

Oral comments for EPA Expert Panel on World Trade Center Testing / Remediation
May 24, 2004
By Marjorie J. Clarke, Ph.D.

One of the main questions we are addressing now is, how can we accurately determine where WTC dust remains, so that we can fashion a program to remediate it? There has been considerable focus by the panel on trying to find a surrogate pollutant that, if found, would identify any sample mixture as having originated from the World Trade Center collapses/fires. At the last meeting, the focus was on using asbestos as the surrogate; this time it's fiberglass. I think this approach is fraught with flaws, since the collapses generated one group of contaminants (e.g., gypsum, concrete, fiberglass, asbestos) from one set of mechanisms (immense magnitude and extraordinarily fast compression), and the fires generated another group. The fires burned organics (e.g., paper, plastic, wood, bodies) incompletely, created toxic organic compounds (e.g., dioxins, PAHs, PCBs, CO), and volatilized metals. A few substances, such as particulate matter, lead and mercury could have come from either of the sources.

Research has also shown that no two samples are alike, and that even dust samples taken from the same location can vary widely in their composition. Thus, to require that a certain contaminant be present in a sample or that it must make up at least a certain percentage (as EPA did when setting up prerequisites for cleaning ductwork in its original indoor "cleanup"), would produce inaccurate and misleading results. I believe that we should be using health standards as our benchmarks and not trying to take shortcuts. We should also be mindful of the fact that health standards do not take synergy of contaminants into account, and this should make us even more cautious in deciding where to draw the lines for a future cleanup.

Chen said that 98% of the WTC particles were over PM₁₀. However, if you focus only on the weight of particles as an indicator of their toxic content and effect on human health, it is not an accurate representation of what exposure there is to the more toxic compounds. One indication of this is that in the largest particles, the pH is about 12 (correlating nicely with the concrete and gypsum). The finer, respirable particles (<2.5 μ) are closer to neutral pH. Thus, it would be a mistake to use building materials as a surrogate.

Chen also said that a larger percentage of the finer particles (<2.5 μ fraction) contained other more toxic pollutants. The biggest focus should not be just based on weight since the PAHs, dioxins, mercury, lead, etc., on the surfaces of the fine particles can have more impact on public health as there is far more surface area from a higher *number* of fine particles than of surface area of the same mass of a smaller number of heavier particles. Thus, any signature in the dust would likely change as one moves out from the WTC site, with the heavier, larger particles that fell out closer to the ground zero more likely originating from the pulverization of building materials and interiors, and also having a smaller surface area per weight of the particles. Further from the site, the dust would be finer, with larger surface area per weight of the particles and more of the pollutants generated in the fires. This is significant because we know from studying municipal solid waste incinerators that burning paper, plastic, glass, metals, and organic materials, that if it is done poorly, without sufficient oxygen (i.e. smoldering), conditions are ideal for creating dioxin and other toxic organics as well as particulate matter and CO. In

addition, immediately above the fires of incinerators as the particles rise, the volatilized metals and organics condense onto the surfaces of the particles at around 450 degrees F. Even if building materials such as concrete and gypsum made up the vast majority of the weight of the particles, weight is not the issue if we are interested in knowing the health impacts of the particles. The availability of toxics to be absorbed into the body is the issue. With finer particles having a larger surface area for the same quantity of dust, the potential is greater for human exposure to the toxic compounds that coated those finer particles. As distance from the site increases, the signature of contaminants in the dust likely changes. The community is concerned that this panel will recommend that a specific signature should be used to exclude locations for an eventual cleanup that actually were and still are contaminated. For example, if the panel were to stipulate that a dust sample is WTC related only if it has more than 10% mineral wool, would we be sure that samples with less of this contaminant are automatically free of all the other contaminants? Using a surrogate that drops out near Ground Zero due to its weight is Not useful for pollutants that are on the surfaces of fine particles. Shortcuts may be expedient, but in this case are likely to be inaccurate.

Why is the panel focusing only on dust to point out hot spots? Why not also investigate body burdens of contaminants as well as other medical records to point out where high levels of WTC contamination exists? Gathering information about body burdens and correlating them with other data could be very useful, not only in this remediation, but in future environmental disasters. After all, the desired outcome is to reduce body burdens and diseases that result from them.

If another cleanup is recommended (and I hope that we can target All the contaminated interiors this time), is the panel going to insist that EPA be thorough and have better quality control than last time, or will we have another ineffective voluntary program? Will HVAC and common areas be thoroughly cleaned first? I hope so.

In order to improve the accuracy of targeting WTC dust locations, EPA should be looking to sample dust in dust reservoirs (e.g., HVAC, room air conditioners, air purifiers, carpet, drapes, etc that haven't been cleaned). How far from ground zero should the cleanup go? I suggest that evidence such as NASA photos of the various directions and intensity of the plume is one guide; another is to assume that any evidence of fallout on the first day (as people in Brooklyn found pieces of paper, dust, etc) are indication of locations for further investigation and remediation.

Regarding data samples, there are still many people out there who have been saving samples of dust from the WTC and who want them analyzed. Some are bulk, some are contained within filters. Some have been contained in tightly sealed containers and/or in refrigerators. I have marked samples sealed in containers in my refrigerator. Examination of those samples might add to the overall database of contamination that we should be gathering. Eventually, Geographic Information Systems mapping should be used to plot the results for each contaminant to gain a better understanding of the distributions, so as to plan a better cleanup and enrich the scientific database on such disasters for the future.

Please put all powerpoint and written presentations that are made at panel meetings and pertaining to this discussion up on the panel's website.

**STATEMENT OF ROBERT GULACK, UNION STEWARD,
U.S. SECURITIES & EXCHANGE COMMISSION,
BEFORE THE EPA TECHNICAL PANEL**

FOR IMMEDIATE RELEASE

May 24, 2004

FOR MORE INFORMATION, CONTACT:

Robert Gulack, (201) 794-9322

As this panel may recall, my name is Robert Gulack and I am here as a union steward representing the SEC bargaining unit in New York City. On April 12, 2004, in public, in front of many members of the print and radio media, this panel promised it would promptly move toward broadly-based testing of the full spectrum of September 11th contaminants. This was the sort of the testing that ought to have begun more than two and a half years ago. This was the sort of testing called for by the affected communities, and by Congressman Nadler and Senator Clinton. This was the sort of testing the EPA Inspector General officially found to be necessary nearly a year ago. The news that this long-overdue testing was about to commence was publicized on the radio, in the newspapers, and on the Internet. On April 23, 2004, an official spokesperson for the EPA further confirmed this change of policy to the press, specifically promising testing for additional contaminants including lead and dioxins, and the expansion of the geographic boundary. A grateful community began to draft messages of congratulation to this panel.

Then, without warning, someone high in the Executive Branch decided to give the order to break these public promises, to renege on this vital and hard-won consensus, and to, once more, postpone indefinitely wide-spectrum testing north of Canal Street. The fact that the people of New York had once more been betrayed by the White House and the EPA became apparent only on May 11, 2004. On that date, the EPA belatedly posted an agenda for the May 12th telephone conference announcing the EPA's new intentions. The EPA had proposed asbestos as a sole surrogate for wide-spectrum testing, and had seen that proposal conclusively rejected on April 12th as scientifically baseless. Instead of immediately moving forward with the promised wide-spectrum testing, the EPA now announced it was going to try to put forward some vaguely-defined World Trade Center "fingerprint" to be considered as the sole surrogate to replace immediate testing for the full spectrum of lethal contaminants. Testing north of Canal Street was also to be indefinitely postponed pending an undefined outcome of yet-to-be-scheduled testing.

The pattern of dispersal of the many contaminants released both by the collapse and by the subsequent months of uncontrolled incineration remains unknown, precisely because the EPA has failed, for two and half years, to do widespread, wide-spectrum testing. In the absence of such testing, it is impossible to authenticate the reliability of any proposed surrogate, because it is impossible to show that the geographic dispersal of the alleged fingerprint correlates reliably with the geographic dispersal of all the other relevant contaminants. Greg Meeker's samples are from a very limited geographic area and Mr. Meeker himself admitted this morning that the proposed signature might become ineffective with distance. In justifying the need to rely upon the unreliable, the EPA has suggested that is impossible to test for, say, lead, because such testing might – God forbid

– uncover a lead emergency unrelated to Sept. 11th. If there is, in fact, a lead emergency present in the New York City, independent of Sept. 11th, it should be discovered as soon as possible, so it can be cleaned up. There can be no rational need to go out of our way to avoid discovering it, as the EPA would have us believe.

The EPA memo of May 18, 2004 contains four additional logical fallacies. First, the memo repeatedly makes the unfounded assumption that the allegedly limited financial resources available should dictate what testing is done. This panel has already made it clear that it does not wish to be backed into a corner by EPA claims that the EPA does not have the money to do the job right. This panel wishes to advise solely on what is scientifically necessary. It will then be up to the federal government to come up with the money. President Bush once promised us he would “spare no expense” to clean up New York.

Second, the memo recommends testing only lobbies in office buildings and not the actual offices where people spend their days. This recommendation is especially foolish. Lobbies are swept and shined daily. They have no soft surfaces or cabinets to collect dust. The common areas of a building are the least important areas to test. People spend only moments in them, not hours.

Third, the memo recommends testing in a manner that the memo says will not provide data that can be extrapolated “to a larger population.” The community wants data that *can* be extrapolated. Unlike the White House, we are not running away from the truth.

Fourth, the memo recommends doing screening tests. Screening tests only make sense as part of a schedule that also includes comprehensive follow-up testing.

Why has the EPA staff been forced to make this embarrassing series of six different pseudo-arguments? Because all the White House is concerned with is preventing any substantial testing from taking place prior to Election Day. If such testing were ever performed, it would show how badly the White House handled this attack on New York. Anyone who cooperates with this White House cover-up for another moment ought to be ashamed. This panel should simply insist that the EPA live up to the commitments made on April 12th. Let’s stop backtracking and wasting time, and start doing the work.

5/24/04
Beverly Peterson
71 West Broadway
New York, NY 10007
347-229-6815 (cell)
bp.films@verizon.net

Dear Panelists:

My husband and I live and work in our loft located within 3 blocks of the WTC. And, therefore we are exposed to any and all contaminants in the area 24/7. Please remember that doing things expeditiously has NOT worked to date. Remember also that despite extremely high sampling rates of fine particles we were told we could move home using a damp rag to decontaminate our belongings. That was an expeditious solution to a problem that will last my lifetime. The plans you have presented this morning sound good on the surface - but I can tell you from personal experience that asking the community to locate buildings, and relying on health registry information is not so easy. Also, it implies that we have not been attempting to do this all along.

Long after we had already been exposed to toxins while cleaning a half-inch or more of visible dust from our homes and workspaces, the official cleanup finally began. We requested aggressive air testing but the EPA contractor offered us normal testing. Also, both my husband and I repeatedly contacted the appropriate hotlines, and web-sites to facilitate the cleaning of a rooftop located just a few feet below our air conditioner/heater. We eventually located DEP officials on the street and brought them to look at the WTC debris. They said they couldn't get into the shaft-way easily and refused to clean it. Besides, we were told, the dust would turn into cement and become harmless - unless it dissolved. Which it did. There are dozens of these shaftways on every block. Personally I am left asking, what is the point of bringing us a panel to discuss, data, and risk factors when there is no actual follow through.

Finally, like so many others, we have decided to move. But, the damage has already been done. How accurate can your assessments of the short term/ long term health risk of living in Ground Zero be when the WTC Health Registry still hasn't even bothered to interview my husband? They said they are too busy. After nearly three years of breathing the air down here, we are both now short of breath walking up 3 flights of stairs and have experienced an increase in respiratory illnesses. The business owner downstairs had a heart attack. Minimal exertion is exhausting for me and often causes me to wheeze, so, my doctor has scheduled a heart monitor test for next week.

We need to rely on your scientific data to help us both receive the proper diagnosis and treatment for these conditions as well as be eligible for health care costs. Take as long as you need. Just get it right.

Testimony of Jo Polett
WTC Expert Technical Review Panel
May 24, 2004

My name is Jo Polett. I'm a resident of lower Manhattan and a member of 9/11 Environmental Action.

This is the fourth meeting of the WTC Expert Technical Review Panel and, as of today, only the meeting summary for the first meeting has been made available to the public. I understand that panelists only received summaries for the second and third meetings last week, and that these summaries are prepared by ERG, reviewed by EPA, and then sent to panelists for correction.

Community groups have requested transcripts of these meetings; several panelists have requested transcripts of these meetings; and I believe that both Congressman's Nadler's office and Senator Clinton's office have requested transcripts of these meetings. EPA has refused, citing time and budgetary constraints, and insisting that meeting summaries are sufficient.

But EPA has already provided an example showing that summary is unreliable, and transcripts are necessary. At the April 12 meeting of this panel, EPA presented a power point outline, "A Review of the Use of Asbestos as a Surrogate for Evaluating the Risk from Other World Trade Center Contaminants", that stated the charges for the sub-panel reviewing the validity of asbestos as a surrogate, and summarized the written comments of the peer reviewers. The comments of Dr. Clifford Weisel on sampling methods were summarized by EPA as follows:

Strongly recommends using one method of sampling, modified aggressive sampling, for new clean-up

Fortunately, we have the full text, "Scientific Input on Issues Related to EPA's Response Activities to the Attacks on the World Trade Center", of Dr. Weisel's written comments. On sampling methods, he states:

If EPA and the panel are convinced that the two methods are equivalent, as summarized in the Confirmation Cleaning Study, then I suggest that all homes be sampled under the modified aggressive method and this be designated in the SOP as the appropriate method, since the full aggressive method cannot be use(d) for some occupied apartments without major movement of belongings. If the two methods are not considered equivalent then no sampling should be done under the modified aggressive method.

EPA does not consider the two methods equivalent. In the March 2004 document, "Sampling to Estimate Current Levels of Asbestos in Apartments in the EPA Clean-UP Area Near the World Trade Center Site", EPA stated:

The data in Table 1 indicate that sampling method does make a difference in the amount of asbestos measured. That is, the rate of "Exceedence" in the "Modified Aggressive" and "Aggressive" groups are 0.72% and 5.8%, respectively. This seems reasonable as

the more aggressive method of sampling would result in more asbestos fibers being suspended in air and drawn into the sampling device.

Given that the methods are not equivalent, Dr. Weisel would not recommend using Modified Aggressive sampling, instead, he would recommend that no sampling be done using the Modified Aggressive method. If we did not have the original text of Dr. Weisel's comments we would have been forced to rely on EPA's radical mischaracterization of his opinion. There is simply too much complex information coming out of these meetings for it to be adequately captured in summary. Transcripts are essential, and we look forward to hearing that EPA has made the necessary funding available to ERG so that transcripts can be prepared from the tape recordings of this meeting and the three meetings that preceded it, and so a court reporter can be retained for the next meeting and all future meetings.

In addition, I'd like to say that the ongoing research to see if it is possible to establish slag wool as a WTC signature is interesting, and that, pending the results of that research, I would support its use for sampling, in concert with other contaminants, within the geographic areas that its validity as a signature has been demonstrated. But since none of the 36 dust samples currently being analyzed for that purpose were taken from locations north of Chambers Street, or in Brooklyn, the geographic area for which the validity of the proposed signature is being assessed is quite limited.

In closing, I'd like to remind panelists that the asbestos as a surrogate sub-panel had a teleconference discussion on April 8. A report of this discussion, section 2 of, "Summary Report for the Peer Review on the Use of Asbestos as a Surrogate Contaminant for Determining the Risk from Other Contaminants", is now posted on the EPA website. If you go to page 11 of the report you will find that as a result of this discussion reviewers agreed to recommend that lead wipe samples be included in the proposed testing program to determine the presence or absence of World Trade contamination, and to confirm cleanup of WTC contaminants.

Testimony of Kimberly Flynn, 9/11 Environmental Action,
and Suzanne Mattei, the Sierra Club, to the WTC Expert
Technical Review Panel
May 24, 2004

Good afternoon. We appreciate the opportunity to testify today.

We believe that the WTC Expert Technical Review Panel stands at a crossroads. Actions taken by this panel will determine whether we can all move forward in partnership toward the common goal of a genuine resolution of the many pressing questions about the nature, geographic extent and levels of existing WTC contamination.

EPA will not achieve resolution of the issues before it unless it charts a course, today, that is open and inclusive of the public. By this we mean that EPA and this panel should work with the public as partners – not merely observers and commentators – in the process.

Some of you may think that is impossible or impractical. In fact, it is not only possible and practical but also essential.

We have watched both government and private sector experts make significant mistakes simply because they did not have the on-the-ground knowledge of what is really needed here and how so-called “policies” and “practices” have actually been implemented in the real world. You have certain areas of expertise, but so do we.

Some of you may see the public as “irrational.” We urge you not to succumb to that kind of prejudice. We have seen certain scientists and government officials behave in shockingly irrational ways. We have not, however, given up on working with scientists and government officials because we know that working together in partnership is much more likely to achieve rational results.

Here are our concerns and our proposals to address them.

Public Process

It should be EPA's role to foster community involvement in every aspect of this review of EPA's management of the World Trade Center hazards. Instead, we find that since the April 12th panel meeting, EPA has taken several actions that minimize or impede community input, such as restricting and altogether eliminating public comment periods. It is disturbing that the agency has not even begun to alert the public to this panel's existence and conduct outreach for future meetings, yet it is already cutting back the opportunities for public input.

These actions jeopardize the transparent public process that we were promised and, taken together, amount to an exclusion of the affected communities from deliberations that stand to have a direct impact on their health and the health of their families.

We recommend that EPA and this panel should:

- Co-create the agenda with the community. EPA has generated meeting agendas without giving the Community Liaison an opportunity to seek community input. Also, EPA has failed to post meeting agendas to its website with sufficient advance notice.
- Fully restore public comment periods. The duration and timing of public comment periods should be proportional to what has been provided in the last two public meetings—one hour of public comments in the morning session, and one hour in the afternoon.
- Create an accurate public record of the panel proceedings. All meetings of the WTC Expert Technical Review Panel should be transcribed by a court reporter, with transcripts posted to the EPA website.

Community Involvement in the Design of the Sampling Program.

The community's input is essential to formulating a sampling program that is both scientifically valid and feasible. A program developed without sufficient community input will not gain the cooperation of the people whose homes and workplaces you want to enter. Consider what happened with the Health Registry. It was poorly designed without public input, and public participation has been extremely low. People are so irate about its flaws that many have advocated boycotting it because its results will be misleading. Whether you think that is right or wrong doesn't matter. The result is lack of participation and lack of resolution of a problem.

We need to do this right.

Let's be clear about what is at stake. People are sick today. People are rightly concerned that they may become even more sick in the future. Your proposed sampling program will not help to address either of those concerns. Any illness that can be prevented through the discovery and remediation of remaining WTC contaminants indoors will be a victory.

With this goal in mind, we object to the following ideas put forward by panelists in the course of the discussion of sampling design on the May 12 conference call.

1. Some panelists appear to be contemplating a sampling design that would bypass regulated hazards like asbestos and lead as well as other substances that are well-known as hazards to the lay public, in favor of a sampling plan that focuses largely on gypsum and man-made vitreous fibers (MMVF).

Our response: This is unworkable. We recognize the value of including gypsum and MMVF, especially since exposures to the high alkalinity of the dust from construction materials and pulverized glass have played a major role in the development of already existing respiratory illnesses.

Community members, however, will not accept a sampling plan that excludes toxic chemicals known to be present in WTC dust that cause cancer or are suspected of being hormone disruptors or impairing the immune system or reproductive system. Remember that many members of the public brought in independent testers who found asbestos, lead, silica and other hazards at levels that exceed existing guidelines and standards.

2. Some panelists propose a sampling design that will exclude any contaminants found to exist in significant background levels in urban environments.

Our response: This is irrational. The presence of high levels of lead and asbestos in WTC dust has been confirmed by EPA's own data as well as independent data. EPA must conduct sampling for those hazards.

3. Some panelists propose a sampling design that will create such a narrowly-defined set of criteria for the identifying of WTC dust, i.e., one "WTC fingerprint," that almost none of it will be found.

Our response: This is completely unacceptable. We do not need a rigged sampling plan designed to find very little WTC dust anywhere.

The best scientific opinion holds that contaminants were unevenly distributed both in the original collapses and in the emissions from the fires that burned on the pile for months. Only proper representative testing in concentric circles will tell us whether there are one, two, or more "fingerprints." Indeed there may be different fingerprints in different geographic areas.

EPA clearly must undertake a sampling program that tests for a suite of contaminants including, but not limited to, the six pollutants identified as Contaminants of Potential Concern (COPCs) in the *World Trade Center Indoor Environmental Assessment* document.

4. Some panelists apparently propose to limit sampling to the area below Canal Street.

Our Response: This is totally inappropriate. One of the major criticisms of EPA's conduct after September 11th was that the agency halted the testing and clean-up program at an arbitrary line on a map, rather than basing the boundaries on the results of test data.

We know that the WTC contaminants traveled further in Manhattan and that it also affected Brooklyn. We urge the panel to take a more scientifically credible approach to defining the boundaries of the clean-up program, by conducting representative testing in concentric circles.

The Next Steps

Going forward, we urge a change of roles. Instead of treating the community as "outsiders" who criticize you, treat the community as partners who work with you. Some may think that going through the effort to work with the community is time that could be better spent elsewhere, but there is nothing more time-consuming than efforts to correct a failure.

Finally, we want expeditious action but not haphazard action. Do not misinterpret our call for action to be a call for a short shrift, sloppy and minimalist testing program. This community has learned a lot about the dangers of minimalist testing and the substitution of politics for science.

Again, we appreciate the opportunity to testify and we look forward to a more integrated community-panel interaction in the future.

WTC Expert Technical Review Panel

**Panel Meeting
St. John's University
Saval Auditorium**

Monday, May 24, 2004

Testimony

**Frank Goldsmith, DrPH
Director, Occupational Health
Transport Workers Union, Local 100**

Good afternoon. I am Frank Goldsmith. I direct Occupational Health for the 38,000 members of Transport Workers Union, Local 100. Roger Toussaint, President of Local 100, TWU; and, his assistant, Jimmy Willis, have participated in many discussions, panels and medical scientific activities associated with the World Trade Center disaster. Over 3,000 of our members participated in the rescue and recovery at the World Trade Center from September 11th for up to three weeks. Our bus operators drove other rescue workers to and from ground zero. Transit cleaners had the responsibility of cleaning stations, trains and buses contaminated with WTC debris. Our hydraulic members had the responsibility to clean the Heating, Ventilation and Air Conditioning systems in the ground zero area. Then on

a routine basis our members drove trains and staffed stations from September 12 to the present time. Our members had a major involvement in this disaster. We fear that future crises may focus on subways. This was confirmed by the statements of former and current mayors of New York City at the recent 9/11 Commission hearings in New York City.

Our comments today will be brief and will focus on the role of government in a disaster situation.

We say government performs an essential function. Our members are government workers. That is why we had so many served at the WTC from the first day of the disaster. Our members ran toward the WTC in the afternoon of September 11th. We strongly believe in public service and the dominant role that public officials and their staff must play in all disasters.

Federal Government Role With Employers

Following the WTC disaster, the federal government did not provide leadership to our employer by helping and urging them to protect their employees, our members. When our union contacted the New York City Transit "experts," all they would say was, "Check out the EPA Web Site." Websites did not protect our members. In this case, as we've learned, the EPA website was not accurately reporting the actual conditions in and around ground zero. It was clear that the NYCT was not being pressured by the federal government to get involved in this crisis.

Only after strong action by our union leadership and members did the NYCT start to take air and other measurements where our members were working, i.e., the stations and clean up taking place throughout the tunnels and stations in our system. NYCT measurements, to be sure, did not cover all of the affected areas.

Due to the unique nature of this crisis, the federal government should have been more involved in the everyday oversight of our employer's industrial hygiene activities. The credibility of employer generated industrial hygiene test results were at stake. The "hands off" approach was a major mistake; and, it must not be repeated.

Industrial Hygiene Testing

Now, even though it's some time after 2001, we strongly urge that specific tests be conducted to measure for remaining life-threatening hazards such as asbestos, mercury and lead. There should also be tests conducted for any other contaminants that, by themselves or synergistically have been created by the combination of hazards at the site.

This would require a **comprehensive, all inclusive testing program** so that no containments are missed in the testing.

This is especially important given the long term affects that a substance or combination of substances may create in the near and distant future. Any testing system that is limited to the respiratory or other medical conditions which have been diagnosed to date, would be inappropriate science and medically ineffective.

Geographic Spread of Testing

We are concerned that the geographic spread of the WTC contamination testing program is too narrow. The spread of the contamination via the air flows, winds tunnels, created by the speed of our trains, must be taken into consideration. Testing must take place, for example, at the Brooklyn end of the subway tunnels connecting to Manhattan.

Also, MTA/NYCT buildings such as 2 Broadway, which is in the immediate vicinity of the disaster, have not had an industrial hygiene testing of its rooms, hallways and other areas.

Governance of Future Testing Activities

We believe that it is essential that those who suffered from the WTC disaster and its resulting contamination must be part of the solution of testing and remediation. To that end, we insist that labor unions and community groups be an integral part of all steps of the development of testing protocols.

Thank you.

Testimonial for World Trade Center Expert Technical Review Panel

05/24/2004

Mr Craig Hall

WTC Residents Coalition (WTCRC) – President
200 Rector Place, APT#38A
NY, NY 10280
212 9454332

I am a downtown resident and have been in BPC since June 2000. I have three young children. I am president of the WTCRC founded after 09/11 which is an umbrella Organization representing approximately 30000 residents downtown consisting of rental building tenant association representatives and Condo and Co-op building board members.

Before Sept 09/11 we considered BPC was the best small town in the big apple. It attracted a diverse population, including a large number of families with its plentiful park land, good schools and amenities. This all changed after 09/11. A lot of parents on that cloudless sunny morning, took our Children to school, it was the start of the new term, that act of being late that morning saved a number of us.

What we saw and returned to weeks, in some cases many months later, will remain with us for the rest of our lives. We turned to the City and governmental agencies in the desperate weeks after 09/11 looking for answers to our many questions. Top in our in our list of priorities was basic questions on health and safety, we turned to the EPA for answers.

We were told in a hotel ballroom on Wall St by a number of agencies that downtown was safe. That the air was safe to breathe for all of us, that to clean up the World Trade Center dust we should just use wet mopes or rags. For dust covered clothes and bed linen we were told to wash them 2 or 3 times and that would suffice. Many of us returned when lower Manhattan was reopened to apartments covered in grey and yellow dust. Many of us had our windows open that morning it was a glorious sunny morning. Personally, I had child stops on my windows, even though they were only open a few inches and our apartment then faced the Hudson away from the WTC and was the furthest residential building in South BPC, it was still blanketed in dust. My children had bright colorful bedspreads when I returned they were grey, covered in a thick layer of dust and debris. The book shelves had a yellowish lighter dust on them. The internal window ledges had a few cm of dust with less at the back of the rooms away from the windows. This was true of many of my neighbors and of residents throughout lower Manhattan. A lot had much worse.

Many did as was suggested and set about cleaning up the dust, some hired one of the teams of cleaners working in the area without any protection just mopes, wet rags and vacuum cleaners to help, as we did. They were not qualified contaminant abatement specialists, they left many patches of dust under and behind furniture. Many did not clean ceilings and walls, only the visible dust they could find, why should they, it was after all perfectly safe. When we asked our Landlords to consider painting the ceilings and walls they said why should we bother, the government agencies all tell us its safe.

Many of us brought our children back down to lower Manhattan only then did we start to hear and experience effects. We had our dust tested and learned a few weeks later that it contained 1% asbestos other neighbors found more. We never tested for heavy metals no one ever indicated that these may be an issue only much later did that unfold. Many of us continued to use our contaminated soft furnishings, carpets, beds, sheets etc for many months until we heard that these could not be cleaned 100% and should be disposed of. We all developed coughs and nose bleeds, sore throats and weeping eyes. My wife ended up seeing a specialist for glass fiber particles lodged in her eyes. We all got sick and our local doctor reported seeing many people with similar symptoms. Others in my neighborhood got much worse, some developed asthma some has severe attacks, where none was previously there. I truly hope that we have not exposed our children creating severe health issues for them in the next 30 or so years.

The EPA responded to our concerns with the ATSDR DOH Study, a flawed, meaningless study in our opinion. 2 apartments each in 59 buildings were tested for minerals and asbestos but basic questions were never asked..... Were your windows open on 09/11, Building managers were your HVAC's running after the buildings collapsed, if so for how long. . What cleaning was performed and by who on your apartment. etc. A number tested had previously been pre-cleaned, we believe that this was not representative of apartments downtown.

This study was used by EPA and others to promote that it was indeed safe downtown.

After a number of independent apartment testing showed Asbestos levels above the recommended safe levels, the EPA agreed to a testing /cleaning program. Of the 30000 units downtown only 4100 were tested or cleaned and tested. This showed a huge reluctance by people, who by now distrusted everything and anything the EPA said. The more they heard and saw the worse this got. The EPA was initially slow in its outreach. We tried as a group to get everyone to get their apartment cleaned and tested or at the very least tested. Many refused believing that they could clean far better than any EPA led effort and that the EPA contracted cleaners might make things worse not better. Others were in denial and wanted to cling to the initial statements that everything was safe statements. If it was safe why did they need to let people back into their apartments had not people had things stolen by cleaners?. Then came the confusing testing that EPA offered, aggressive or modified aggressive, was not the modified one better?. If we accept only the testing, why can we not then have our apartment cleaned if it does not exceed the Asbestos levels but still shows asbestos just below 1%. We tried to persuade

people to use aggressive testing but the EPA failed to point out that this was 5 times as likely to detect asbestos as compared to the modified version. People were concerned that testers might damage furniture, pictures and delicate items, after all the EPA would not offer the method if it would not pick up similar levels of Asbestos. Then there came the wipe samples for heavy metals and other contaminants that we were all concerned about by this stage, as terrifying data of what was contained in the World Trade Centers leaked out. These were random and we could not accept this important testing. Only a fraction of the apartments signed up for the program got this testing.

Data from around 222 apartments that were wipe sample tested out of the total tested or cleaned and tested delivered;

- 1544 samples tested for lead, 1280 proved positive, 136 exceeding safe limits.
- 1517 samples tested for Mercury, 593 proved positive, 6 exceeded safe limits.
- 1538 samples tested for Dioxin, 1136 proved positive, 8 exceeding safe limits.

What was more concerning was that even after cleaning, apartments were still testing positive. Lead was found in a majority of those apartments tested and exceeded allowable limits in 8-9%. Some of the lead data was suggested to be due to older buildings which had lead paint etc, we do not believe that this accounts for the high levels of lead found in many buildings. Indeed if the age of the building had been taken into consideration this could have been ruled out. No buildings in BPC fall into that category, all were built after 1939.

HVAC's visual inspections left a lot to be desired, viewing minimal dust is not the same as wipe sample testing and bulk testing as well as hard to reach areas where contaminants may have settled awaiting a stir up, to re-contaminate apartments.

Some of the asbestos air testing samples were too clogged with dust and debris to be examined and thus were discarded, these could have come from the most contaminated apartments.

As for the Asbestos contractors, personal experience shows that they did not believe that they would find anything, so probably did not seek it either. They also seemed to have issues in scheduling a lot of the cleaning/testing, suddenly ramping up towards the end causing a lot of scheduling issues for residents especially those who decided on the aggressive testing and had to thus vacate their apartments for two days.

- We believe that all carpets, soft furnishings, clothes contaminated with WTC dust should be safely disposed of. This should include all those in common building areas.
- All apartments should be cleaned building by building.
- External building cleaning and HVAC cleaning should be enforced and HVAC's remain sealed until all apartments are cleaned, to prevent recontamination.
- All common areas in buildings have to be part of a cleaning and testing program.

- Detailed questioning of residents and building management should be carried out to ascertain basic information about apartment's before and after 09/11.
- Any cleaning and testing must include mixed use buildings including schools and commercial spaces.
- Have to have in place a scientifically valid and representative testing program that tests for a suite of contaminants not just those listed as contaminants of potential concern.

Most of all, what ever program's are designed they must instill new confidence in the EPA by the residents to be truly effective. We must make sure that this never can happen again and that procedures are in place to protect residents from future terrorist attacks with extensive, timely monitoring of the environmental impact of such actions.

Introduction

My name is Stanley Mark and I am the program director at the Asian American Legal Defense and Education Fund (AALDEF), a non-profit civil rights organization. Besides the health impact of 9/11 upon my clients who live or work in Chinatown and Lower Eastside, I want to note for the record that there is a continuing need to provide adequate testing of all of lower Manhattan. I am testifying today because of my concern that your proposed design for the World Trade Center does not take into account the full scope of environmental contamination and recontamination studies that I alluded to during my testimony on April 12, 2004 illustrates the health impact upon residents of Chinatown and the Lower Eastside, many of whom live and work north of Canal Street east of Essex Street where Canal Street ends. These health impacts must be factored into your sampling for testing or retesting. The standard to determine where to test includes "best engineering judgment"; however, the public health demands that the "best medical judgment" must be incorporated into this standard. (See May 18, 2004 memo by Lorber et al., a draft for discussing World Trade Center Sampling, page 3 paragraph 2.)

Asian American Legal Defense and Education Fund (AALDEF)

Founded in 1974 as the first American public interest legal organization on the east coast, AALDEF conducts impact litigation, community education, and policy advocacy in the areas of civil rights, immigrant rights, labor and employment rights, and veterans' rights. AALDEF represents garment and restaurant workers challenging sweatshop conditions, victims of anti-Asian violence and police brutality, indentured servants seeking political asylum, and South Asians and Muslims detained indefinitely by the Bureau of Immigration and Customs Enforcement without adequate due process. AALDEF also conducts free legal rights clinics for immigrant families seeking legal advice on a range of immigration and citizenship issues. AALDEF has assisted thousands of persons in becoming U.S. citizens, registering them to vote once a week at the U.S. District Courthouse in Manhattan. My clients include family members who lost loved ones at the World Trade Center and immigrant families seeking relief from arbitrary boundary set in FEMA, it was much later that these relief provisions were added as criteria to include the needs of people who lived or worked north of Canal Street.

STATEMENT

TO SUPPORT

HEALTH CARE AND MEDICAL RESEARCH

FOR RESIDENTS OF LOWER EASTSIDE AND CHINATOWN

SUBMITTED

TO

WORLD TRADE CENTER

EXPERT TECHNICAL REVIEW PANEL

ON

May 24, 2004

BY

**STANLEY MARK
PROGRAM DIRECTOR**

ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

99 HUDSON STREET, 12th FLOOR

NEW YORK, NY 10013

212-966-5932

Introduction

My name is Stanley Mark and I am the program director at the Asian American Legal Defense and Education Fund (AALDEF), a non-profit civil rights organization. Besides commenting on the health impact of 9/11 upon my clients who live or work in Chinatown and Lower Eastside, I want to note for the record that there is a continuing failure by EPA to provide adequate testing of all of lower Manhattan. I am testifying today because of my concern that your proposed design for testing or retesting samples from lower Manhattan does not take into account the full scope of environmental contamination and recontamination beyond ground zero. More specifically, the data from 2 medical studies that I alluded to during my testimony on April 12, 2004 illustrates the health impact upon residents of Chinatown and the Lower Eastside, many of whom live and work north of Canal Street and east of Essex Street where Canal Street ends. These health impacts must be factored into your sampling for testing or retesting. The standard to determine where to test includes "best engineering judgment"; however, the public health demands that the "best medical judgment" must be incorporated into this standard. (See May 18, 2004 memo by Lorber et. al., a draft for discussing the options for World Trade Center Sampling, page 3 paragraph 2.)

Asian American Legal Defense and Education Fund (AALDEF)

Founded in 1974 as the first Asian American public interest legal organization on the east coast, AALDEF conducts impact litigation, community education, and policy advocacy in the areas of civil rights, immigrant rights, labor and employment rights, and voting rights. AALDEF represents garment and restaurant workers challenging sweatshop conditions, victims of anti-Asian violence and police brutality, indentured servants seeking political asylum, and South Asians and Muslims detained indefinitely by the Bureau of Immigration and Customs Enforcement without adequate due process. AALDEF also conducts free legal rights clinics for immigrant families seeking legal advice on a range of immigration and citizenship matters. In addition, AALDEF has assisted thousands of persons in becoming U.S. citizens and registering them to vote once a week at the U.S. District Courthouse in Manhattan. My clients include family members who lost loved ones at the World Trade Center and immigrant families seeking relief assistance after the 9/11 tragedy. By the way, Canal Street was an arbitrary boundary set initially by every relief program including FEMA, it was much later that these relief programs expanded eligibility criteria to include the needs of people who lived or worked north of Canal Street.

Health Treatment and Studies Covering Chinatown and Lower Eastside

Since 9/11, AALDEF has worked jointly with organizations in the Beyond Ground Zero Network including Chinese Staff and Workers Association, National Mobilization against Sweatshops, Urban Justice Center, and Workers Awaaz to assist thousands of residents affected by the 9/11 tragedy; many of whom were not within the initial geographical boundaries or formal eligibility guidelines of relief programs administered by the Federal Emergency Management Agency, Lower Manhattan Development Corporation, and other private relief organizations. AALDEF has worked to obtain health care coverage for many clients and to escort them, most of whom do not speak English, to medical clinics for testing and treatment. Recently, the Beyond Ground Zero Network has initiated a joint clinic at Bellevue hospital to test and treat our clients who wish to be patients and possible research subjects in order to study the environmental health impacts beyond ground zero. AALDEF clients who are residents of Chinatown and the Lower Eastside are experiencing more respiratory illnesses and suffer from rashes attributed to the 9/11 attacks. A young woman who worked with me to assist many residents to navigate FEMA, LMDC, and Safe Horizon programs became ill repeatedly with a range respiratory problems due to 2 years of exposure to post 9/11 dust and air found in clients' homes and in various offices in lower Manhattan. She has since moved out of New York City for both family reasons and in order to ease her asthma and hacking cough; however, she remains deeply concerned about the long term effects of the polluted air that she inhaled for months after 9/11.

Recently, I spoke to Dr. Allan Tso, a physician at the Charles B. Wang Health Center (a/k/a the Chinatown Health Clinic) and a co-author of the study conducted by Stony Brook University School of Medicine and the University of Pittsburgh School of Public Health. (See Clinical Deterioration in Pediatric Asthmatic Patients after September 11, 2001, Journal of Allergy and Clinical Immunology, Szema et al., March 2004 at pages 420-426). Dr. Tso asserted that his study reveals a statistical significance of asthma warranting further research and study. Their data consist of pre and post 9/11 information derived from the records of 205 Chinese American children with asthma. These children who live within 5 miles of ground zero had to visit their doctors more often for treatment and had to take more medicines for asthma one year after the 9/11 tragedy than the year preceding the World Trade Center attack. Tests were conducted to measure the children's air flow from their lungs within three months after 9/11. The test results indicate that their airways were narrowed and supports the hypothesis that their asthma became more severe after the 9/11 tragedy. As a result, your design for retesting and any further environmental testing of samples

must take into account the health impact that extends at least 5 miles or more beyond ground zero. Disregarding this health data in your design for testing or retesting would be ignoring the obvious - that the limited environmental testing and subsequent clean-up were totally inadequate to protect the public health and welfare.

According to Dr. Joan Reibman, Associate Professor of Medicine and Environmental Medicine at New York University School of Medicine and Director of the Asthma Center, there was a sharp increase of reported respiratory problems after 9/11 among families living in Chatham Towers, Chatham Green, and Smith Projects located in Chinatown and the Lower Eastside. BGZ has been working with Dr. Reibman to initiate a joint clinic based at Bellevue Hospital to examine and treat our clients. She is about to publish a study covering the areas of Chinatown and the Lower Eastside. Her data and study would show that the health impact beyond ground zero is significant and warrants further study and adequate funding to do it. It also strongly suggests that further environmental testing must be extended beyond ground zero. (See Health and Environmental Consequences of the World Trade Center Disaster found in Environmental Health Perspectives, Volume 112, Number 6, May 2004 where her study is mentioned.)

Conclusion

During 2002 at community town hall meetings, rallies, and marches in New York City and Washington, DC, thousands of Chinatown residents assisted by BGZ had demonstrated and demanded that health care coverage, medical treatment and research studies must be the top priorities for our government agencies and institutions committed to rebuilding New York. Health care must be made a priority with adequate resources to cover long term treatment and studies for all the people affected by 9/11 including residents of Chinatown and the Lower Eastside.

Government officials and agencies must be held accountable for the delay in initiating full health coverage, treatment, and studies covering the residents of Chinatown and the Lower Eastside. Almost 2 years later, the announcement of the Inspector Generals Report at the end of August of 2003, revealed the misconduct committed by the Environmental Protection Agency and perhaps the White House as well as the responsibility for this delay. Since 9/11, our leaders and government agencies failed to alert us about the public health emergency resulting from the attacks on 9/11 and have yet to acknowledge the full scope of the environmental damage and health risks created by dust and pollutants recirculated to and from homes, offices, and buildings throughout lower Manhattan including Chinatown and the Lower Eastside. Given the wide scope of

harm and the shortage of resources targeted for health care and research studies covering people of color living in Chinatown and the Lower Eastside, we need a stronger commitment from our leaders and institutions to make these resources available. Otherwise, both the short term and long term health concerns among community residents will remain unaddressed despite the results of these research studies.

TO SUPPORT
HEALTH CARE AND MEDICAL RESEARCH
FOR RESIDENTS OF LOWER EASTSIDE AND CHINATOWN

SUBMITTED
TO
WORLD TRADE CENTER
EXPERT TECHNICAL REVIEW PANEL

ON

May 21, 2004

BY

STANLEY MARK
PROGRAM DIRECTOR

ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND
99 HUDSON STREET, 12th FLOOR
NEW YORK, NY 10013

212-966-5932